

## **REMARKS**

### **I. Drawings**

The drawings were objected to by the Examiner as failing to comply with 37 CFR 1.84(p)(4) because the Examiner asserted that reference character "14" has been used to designate both a gauge (citing FIG. 1) and the cover (citing FIG. 2). The Examiner indicated that a proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The Examiner further indicated that the objection to the drawings will not be held in abeyance. Applicants are therefore submitting herewith, a proposed drawing correction, which indicates that the old reference numeral "14" shown in FIG. 2 has now replaced with reference numeral "12". Reference numeral "14" has also been added to FIG. 2 to refer properly to the gauge 14 in FIG. 2. Applicants therefore assert that these corrections will overcome the aforementioned objection. Applicants further believe that such corrections do not constitute new matter, but are merely clarifying nature.

The Examiner also objected to the drawings as failing to comply with 37 CFR 1.84(p)(4), arguing that the reference characters "12" and "14" have both been used to designate the cover. The Examiner indicated that a proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The Examiner indicated that the objection to the drawings will not be held in abeyance. Applicants have therefore modified FIGS. 1 and 2 as indicated by the proposed drawing corrections to clarify and correct reference numerals "12" and "14". Reference numeral 12 refers now properly to the cover and reference numeral 14 refers now properly to the gauge in FIGS. 1 and 2. Applicants therefore assert that these corrections will overcome the

aforementioned objection. Applicants further believe that such corrections do not constitute new matter, but are merely clarifying nature.

The Examiner additionally objected to the drawings, arguing that the gauge has not been clearly identified in FIGS. 2 and 3. The Examiner argued that a proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The Examiner again indicated that the objection to the drawings will not be held in abeyance. Applicants have therefore modified FIGS. 2 and 3 as indicated herein to indicate that the gauge is represented by reference numeral 14 and the cover by reference numeral 12. In FIG. 3, for example, the old reference numeral 14 has now been changed to reference numeral 14 (i.e., see enclosed drawings corrections). Additionally, in order to clarify FIG. 3, the Applicants have amended the specification to point out that reference numeral 74 actually refers to a modified version of gauge 78. It is believed that reference numeral 74 does not need to be changed to reference numeral 14 in FIG. 3 because FIG. 3 essentially represents an alternative embodiment. Applicants therefore assert that these corrections will overcome the aforementioned objection. Applicants further believe that such corrections and amendments do not constitute new matter, but are merely clarifying nature.

## **II. Claim Objections**

The Examiner objected to claims 1-22 because of the following informalities: The Examiner argued that the claims are replete with typographical errors. The Example cited, for example, claim 1, arguing that "an electrostatic chuck...wherein said electrostatic is moveable..." The Examiner indicated that the word "chuck" should be added after "electrostatic" in line 4 of claim 1 in order to keep a consistent claim language throughout the claims. The Examiner also indicated that the electrostatic chuck is referred to as "chunk" in some claims. The Examiner indicated that appropriate correction is required. The Applicants have therefore

amended the claims as indicated herein to correct these errors. Applicants believe that the aforementioned objection to claims 1-22 has now been overcome. Applicants therefore respectfully request withdrawal of this rejection.

### **III. Claim Rejections – 35 U.S.C. § 112**

The Examiner rejected claims 1-22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner argued that the claim(s) contain subject matter, which was not described in the specification in such a manner as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Examiner argued that claims 1, 11 and 21-22 refer to a gauge apparatus and method comprising a gauge for measuring a gap between a baffle plate and a chamber wall, but that it is not clear how this is accomplished. The Examiner argued that it appears that important structures and elements are needed as part of this gauge in order to reach the desired measurements. The Examiner further argued that discrepancies have been found between the figures and the specification, which makes it difficult to understand. For example, the Examiner argued that the specification shows reference element #12 to be a cover. The Examiner also argued that Figure 1 also shows the element 12 as a cover, but that Figures 2 and 3 label the same structure as reference element #14, which according to the specification corresponds to the gauge. The Examiner further referred to FIG. 1, arguing that FIG. 1 discloses element #14 to be the gauge, and that there is no way to identify the gauge in FIGS. 2-3 other than by correlating similar structures in the drawings.

The Applicants respectfully disagree with this assessment. Applicants have submitted proposed drawing corrections herewith, which the Applicants believe clarify the enablement requirement issue raised by the Examiner. Additionally, the

Applicants have amended the specification and claims to clarify. For example, in FIG. 2, the gauge 14 has been added to point out its location proximate to the cover 12, which is now consistent with FIG. 1. Similar corrections have been made to FIG. 3 (i.e., see proposed drawings corrections). Thus, in FIG. 1, 2, and 3, reference numeral 12 now refers to the cover. In FIGS. 1-2, reference numeral 14 refers to the gauge, while in FIG. 3, reference numeral also refers to a gauge (i.e., see amendments to the specification herein), which is a modified portion or modified gauge. Applicants therefore believe that these changes now permit the gauge to be identified in FIGS. 1-3.

The Examiner further asserted that as best understood, the gauge includes a leveling mechanism. However, the Examiner argued that it is not clear how this leveling mechanism will work in order to measure the gap between the baffle plate and the chamber wall. Furthermore, the Examiner argued that the gauge (citing 14) in FIG. 1 is shown in conjunction with the chamber walls (citing FIGS. 1 and 2), but in FIG. 3, it is shown in combination with the leveling mechanism, which is perpendicular to what appears to be the gauge (citing element #74). The Examiner asserted that it is not clear how the arrangement shown in FIG. 3 will measure the gap between the baffle plate and the chamber walls since the position of the leveling mechanism (citing 78) appears to only measure the height at which the plate will reach and not the desired gap between the baffle plate and the chamber wall. The Applicants respectfully disagree with this assessment because leveling mechanism or leveling portion 74 forms part of leveling mechanism or gauge 78, which is a horizontal gauge. Thus, measurement can also take place horizontally, and therefore because the leveling mechanism or gauge 78 can function in a horizontal manner, the gap between the baffle plate and the chamber walls can be properly measured.

In fact, paragraph 34 of Applicants specification indicates that it is precisely the configuration of Applicants' FIGS. 1-3 that overcome the problems associated with the prior art drawing of FIG. 4. One of the primary problems associated with prior art block diagram 90 stems from the fact that an associated chamber apparatus can be scratched by baffle plate 16 during movement of ESC 34 in a vertical direction (i.e., up and down) and from a transfer position to a process position (e.g., first position 98 to second position 100). Gauge 92 is inadequate for measuring such a gap movement, unlike the leveling mechanism 78 (i.e. leveling gauge) illustrated in FIG. 3. Leveling mechanism 78 of FIG. 3 is configured in a manner which permits accurate measurement of the gap between a baffle plate, such as, for example, baffle plate 16 and a chamber wall. The configuration illustrated in FIG. 4 does not permit such measurement.

Regarding claims 2-10 and 12-20, the Examiner rejected such claims due to their dependency on claims 1, 11 and 21-22. The Examiner therefore stated that due to the asserted discrepancies and deficiencies mentioned above, a prior art rejection will not be provided until the Applicant provides appropriate correction and clarification.

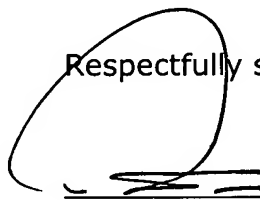
Applicants believe that the rejection to claims 1-22 under 35 U.S.C. § 112, first paragraph, has been traversed because by way of reference to the proposed drawing corrections, amendments disclosed herein, and the discussion presented above, the enablement requirement has been satisfied. Applicants therefore respectfully request that the rejection to claims 1-22 under 35 U.S.C. § 112, first paragraph, be withdrawn.

#### **IV. Conclusion**

In view of the foregoing discussion, Applicants have responded to each and every rejection of the Official Action, and respectfully request that a timely Notice of Allowance be issued. Applicants have clarified the structural distinctions of the present invention. Applicants respectfully submit that the foregoing discussion does not present new matter and/or new issues for consideration and that no new search is necessitated.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Randy Tung', is written over a horizontal line. The signature is stylized with a large loop at the beginning.

Randy Tung  
Registration No. 31,311

Figure 2